

House File 746

S-3142

1 Amend House File 746, as passed by the House, as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 614.1, Code 2021, is amended by adding  
4 the following new subsections:

5 NEW SUBSECTION. 11A. *Sexual abuse.* An action for damages  
6 for injury suffered as a result of sexual abuse in the first  
7 degree as defined in section 709.2, sexual abuse in the second  
8 degree as defined in section 709.3, or sexual abuse in the  
9 third degree as defined in section 709.4 may be commenced at  
10 any time after the commission of the offense.

11 NEW SUBSECTION. 12A. *Kidnapping and human trafficking.* An  
12 action for damages for injury suffered as a result of  
13 kidnapping as defined in section 710.1 or human trafficking as  
14 defined in section 710A.2 may be commenced at any time after  
15 the commission of the offense.

16 Sec. \_\_\_\_\_. Section 614.1, subsection 12, Code 2021, is  
17 amended to read as follows:

18 12. *Sexual abuse or sexual exploitation by a counselor,*  
19 *therapist, or school employee.*

20 a. An action for damages for injury suffered as a result  
21 of sexual abuse, as defined in [section 709.1](#), by a counselor,  
22 therapist, or school employee, as defined in [section 709.15](#), or  
23 as a result of sexual exploitation by a counselor, therapist,  
24 or school employee ~~shall be brought within five years of the~~  
25 ~~date the victim was last treated by the counselor or therapist,~~  
26 ~~or within five years of the date the victim was last enrolled~~  
27 ~~in or attended the school~~ may be commenced at any time after  
28 the commission of the offense.

29 b. A claim or cause of action brought against any party  
30 under paragraph "a" alleging intentional or negligent acts  
31 or omissions by a person for physical, psychological, or any  
32 other injury or condition suffered as a result of conduct  
33 by a counselor, therapist, or school employee as defined in  
34 section 709.15, if barred as of the effective date of this Act  
35 because the applicable period of limitation has expired or

1 the plaintiff previously failed to file a petition, is hereby  
2 revived, and action thereon may be commenced not later than  
3 three years after the effective date of this Act.

4 c. Dismissal of a previous action, ordered before the  
5 effective date of this Act, on grounds that such previous  
6 action was time-barred or due to the failure of a party to file  
7 a petition, shall not be grounds for dismissal of a revival  
8 action pursuant to paragraph "b".

9 Sec. \_\_\_\_\_. Section 614.8A, Code 2021, is amended to read as  
10 follows:

11 **614.8A Damages for child sexual abuse, incest, kidnapping,**  
12 **and human trafficking — time limitation.**

13 ~~An action for damages for injury suffered as a result of~~  
14 ~~sexual abuse which occurred when the injured person was a~~  
15 ~~child, but not discovered until after the injured person is of~~  
16 ~~the age of majority, shall be brought within four years from~~  
17 ~~the time of discovery by the injured party of both the injury~~  
18 ~~and the causal relationship between the injury and the sexual~~  
19 ~~abuse.~~

20 1. Notwithstanding section 614.1, subsections 11A and  
21 12A, every claim or cause of action brought against any  
22 party alleging intentional or negligent acts or omissions  
23 by a person for physical, psychological, any other injury  
24 or condition suffered as a result of conduct which would  
25 constitute a violation of any of the following, if barred as of  
26 the effective date of this Act because the applicable period of  
27 limitation has expired or the plaintiff previously failed to  
28 file a petition, is hereby revived, and action thereon may be  
29 commenced not later than three years after the effective date  
30 of this Act:

31 a. Sexual abuse as defined in section 709.1.

32 b. Incest in violation of section 726.2.

33 c. Kidnapping as defined in section 710.1.

34 d. Human trafficking as defined in section 710A.2.

35 2. Dismissal of a previous action, ordered before the

1 effective date of this Act, on grounds that such previous  
2 action was time-barred or due to the failure of a party to file  
3 a petition, shall not be grounds for dismissal of a revival  
4 action pursuant to this section.>

5 2. Page 1, line 1, by striking <169.21> and inserting  
6 <614.8B>

7 3. Page 1, after line 8 by inserting:

8 <Sec. \_\_\_\_\_. Section 802.2, Code 2021, is amended to read as  
9 follows:

10 **802.2 Sexual abuse — first, second, or third degree.**

11 ~~1. An information or indictment for sexual abuse in the~~  
12 ~~first, second, or third degree committed on or with a person~~  
13 ~~who is under the age of eighteen years shall be found within~~  
14 ~~fifteen years after the person upon whom the offense is~~  
15 ~~committed attains eighteen years of age, or if the person~~  
16 ~~against whom the information or indictment is sought is~~  
17 ~~identified through the use of a DNA profile, an information or~~  
18 ~~indictment shall be found within three years from the date the~~  
19 ~~person is identified by the person's DNA profile, whichever is~~  
20 ~~later may be commenced at any time after the commission of the~~  
21 ~~offense.~~

22 ~~2. An information or indictment for any other sexual abuse~~  
23 ~~in the first, second, or third degree shall be found within ten~~  
24 ~~years after its commission, or if the person against whom the~~  
25 ~~information or indictment is sought is identified through the~~  
26 ~~use of a DNA profile, an information or indictment shall be~~  
27 ~~found within three years from the date the person is identified~~  
28 ~~by the person's DNA profile, whichever is later.~~

29 ~~3. As used in this section, "identified" means a person's~~  
30 ~~legal name is known and the person has been determined to be~~  
31 ~~the source of the DNA.~~

32 Sec. \_\_\_\_\_. Section 802.2A, Code 2021, is amended to read as  
33 follows:

34 **802.2A Incest — sexual exploitation by a counselor,**  
35 **therapist, or school employee.**

1     1. An information or indictment for incest under section  
2 726.2 ~~committed on or with a person who is under the age of~~  
3 ~~eighteen shall be found within fifteen years after the person~~  
4 ~~upon whom the offense is committed attains eighteen years of~~  
5 ~~age. An information or indictment for any other incest shall~~  
6 ~~be found within ten years after its commission~~ may be commenced  
7 at any time after the commission of the offense.

8     2. An indictment or information for sexual exploitation by  
9 a counselor, therapist, or school employee under [section 709.15](#)  
10 ~~committed on or with a person who is under the age of eighteen~~  
11 ~~shall be found within fifteen years after the person upon whom~~  
12 ~~the offense is committed attains eighteen years of age. An~~  
13 ~~information or indictment for any other sexual exploitation~~  
14 ~~shall be found within ten years of the date the victim was last~~  
15 ~~treated by the counselor or therapist, or within ten years of~~  
16 ~~the date the victim was enrolled in or attended the school~~ may  
17 be commenced at any time after the commission of the offense.

18     Sec. \_\_\_\_\_. Section 802.2C, Code 2021, is amended to read as  
19 follows:

20     **802.2C Kidnapping.**

21     An information or indictment for kidnapping in the first,  
22 second, or third degree ~~committed on or with a person who is~~  
23 ~~under the age of eighteen years shall be found within ten~~  
24 ~~years after the person upon whom the offense is committed~~  
25 ~~attains eighteen years of age, or if the person against whom~~  
26 ~~the information or indictment is sought is identified through~~  
27 ~~the use of a DNA profile, an information or indictment shall~~  
28 ~~be found within three years from the date the person is~~  
29 ~~identified by the person's DNA profile, whichever is later~~ may  
30 be commenced at any time after the commission of the offense.

31     Sec. \_\_\_\_\_. Section 802.2D, Code 2021, is amended to read as  
32 follows:

33     **802.2D Human trafficking.**

34     An information or indictment for human trafficking in  
35 violation of [section 710A.2](#), ~~committed on or with a person~~

1 ~~who is under the age of eighteen years shall be found within~~  
2 ~~ten years after the person upon whom the offense is committed~~  
3 ~~attains eighteen years of age, or if the person against whom~~  
4 ~~the information or indictment is sought is identified through~~  
5 ~~the use of a DNA profile, an information or indictment shall~~  
6 ~~be found within three years from the date the person is~~  
7 ~~identified by the person's DNA profile, whichever is later~~ may  
8 be commenced at any time after the commission of the offense.

9     Sec. \_\_\_\_\_. Section 802.10, subsection 1, paragraph b, Code  
10 2021, is amended to read as follows:

11     b. *"Identified"* means ~~the same as defined in section 802.2~~ a  
12 person's legal name is known and the person has been determined  
13 to be the source of the DNA.>

14     4. Title page, line 3, after <veterinarian> by inserting  
15 <and for certain criminal and civil actions>

16     5. By renumbering as necessary.

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JANET PETERSEN